

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

21-md-3010 (PKC)

ORDER

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CASTEL, Senior District Judge:

The Court has considered the helpful letters of the parties concerning the filing of summary judgment motions. The Court considers it useful, appropriate and efficient to first determine which issues, if any, are precluded by reason of Judge Brinkema's April 17, 2025 decision after trial in United States v. Google LLC, 1:23-cv-108 (ED Va. Apr. 17, 2025) (the "April 17 E.D. Va. Decision"). A summary judgment motion may properly proceed on a "part" of a claim. Rule 56(a), Fed. R. Civ. P.

A ruling by this Court on the preclusive effect of the April 17 E.D. Va. Decision may provide greater clarity as to unresolved issues on which the parties may then seek summary judgment or trial. Also, a ruling by this Court on issue preclusion may have some bearing on superiority and manageability. Rule 23(b)(3), Fed. R. Civ. P.

Accordingly, the Court ORDERS as follows:

1. Plaintiffs in the Publishers Class Action, the Advertisers Class Action, the Gannett and Daily Mail Actions and the Inform Action may move for summary judgment limited to a claim or part of a claim for which it contends the doctrine of issue preclusion forecloses the defendant from relitigating in this action by reason of a final determination of the issue in the April 17 E.D. Va. Decision. Any such motion shall be filed by June 20, 2025.

2. Defendant may respond to the motion by July 18, 2025.
3. Plaintiffs may reply by August 1, 2025.
4. Opening and Answering Briefs are limited to 35 pages and Reply Briefs to 20 pages.
5. All other pre-motion letter requests are denied without prejudice to renewal 14 days following the Court's ruling on the motion described in paragraph 1.
6. The Publisher Plaintiffs' application to file their pre-motion letter response under seal is provisionally granted.
7. The Clerk is respectfully directed to terminate the motions (ECF 949, 950, 951, 952, 953, 964, 981).

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
May 13, 2025